IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6524 OF 2003

Ramesh N. Pawar ... Petitioner

v/s

Shivaji K. Pawar and ors. ... Respondents

Mr P.J. Thorat i/b Mr R.A. Thorat for Petitioner.

Mr B.G. Vaidya for Respondent No.1.

CORAM : D.K. DESHMUKH J.

DATE : 22ND JUNE 2005.

P.C. :-

1. Heard learned counsel for the petitioner. I do not find any patent error of law in the order impugned. The executing court has considered the objection raised by the petitioner. The objection to the report of the Commissioner was that the Commissioner was not directed to suggest partition of the property. The executing court has considered that objection and has held that though there is no specific direction to the commissioner to suggest partition. In the directions which were specifically given to the Commissioner, the requirement of suggesting partition was implicit. The findings are recorded on appreciation of facts on record. The Court exercising powers under Article 227 of the Constitution of India cannot interfere with the finding of fact. As I find no patent error of law, this petition cannot be entertained. It is rejected. Interim order is vacated. The executing court is directed to proceed further expeditiously and complete the execution.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.